

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**AMERICAN PIPING
INSPECTION, INC.**

Defendant.

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Civil Action No. 4:21-cv-03187

Jury Trial Demanded

**UNOPPOSED MOTION TO CONTINUE SCHEDULING CONFERENCE AND FOR
EXTENSION OF TIME TO FILE A RULE 26(F) JOINT DISCOVERY/CASE
MANAGEMENT PLAN**

Plaintiff U.S. Equal Employment Opportunity Commission files this Unopposed Motion to Continue Scheduling Conference and for Extension of Time to File a Rule 26(f) Joint Discovery/Case Management Plan, respectfully asking the Court for a 30-45 day continuance. In support of its Motion, Plaintiff makes the following showing:

1. On September 30, 2021, Plaintiff filed this suit for damages against Defendant American Piping Inspection, Inc. (“API”) on behalf of Stillman Leday for alleged violations of Title VII of the Civil Rights Act, as amended 42 U.S.C. 2000e, et seq. Specifically, Plaintiff alleges that API discriminated against Mr. Leday by subjecting him to a race-hostile work environment created by management and by discharging him because of his race and in retaliation for complaining about the harassment.

2. Defendant was served process on November 12, 2021. Defendant’s Answer is not due until December 3, 2021, which is after the deadline to file the Joint Discovery/Case Management Plan. The Scheduling Conference is currently set for December 13, 2021.

3. Good cause exists for the requested 30-45 day continuance and extension of time. As Defendant has not yet filed an appearance in the case, the undersigned counsel for Plaintiff cannot yet engage in the Rule 26(f) conference. Consequently, the parties cannot file with the Court a Joint Discovery case management plan by the existing filing deadline, December 1, 2021.

4. Additionally, the undersigned counsel for Plaintiff is currently preparing for trial in another matter before the U.S. District Court for the Southern District of Texas and must appear for docket call in that case on December 13, 2021, the same day as the current Scheduling Conference is set in this matter. Counsel for Plaintiff requests a 30-45 day continuance of the Scheduling Conference and extension of time to file the Joint Discovery/Case Management Plan to allow the parties an adequate amount of time to confer and exchange initial disclosures as required by Fed. R. Civ. P. 26.

5. Counsel for Plaintiff has spoken to the anticipated counsel for Defendant who does not oppose the to the relief sought in this Motion.

6. This Motion is not presented for purposes of delay but rather in the interest of justice. As no deadlines have been set in this case, no deadlines will be affected by the requested relief.

WHEREFORE, Plaintiff respectfully requests the Court grant this Motion and enter a new Order for Conference, resetting the Rule 16 Scheduling Conference and Joint Discovery/Case Management Plan deadline 30-45 days from December 13, 2021.

Respectfully submitted

s/ Claudia Molina-Antanaitis

Claudia Molina-Antanaitis

Attorney-in-Charge

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U.S. Equal Employment Opportunity Commission

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2021, a true and correct copy of this Unopposed Motion to Continue Scheduling Conference and for Extension of Time to File a Rule 26(f) Joint Discovery/Case Management Plan and its accompanying exhibits were filed through the Court's ECF system. As Defendant has not yet filed an appearance in this matter, I certify that I am serving the anticipated counsel for Defendant as well as Defendant's registered agent for service by U.S. mail, first-class mail and by electronic mail as follows:

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s/ Claudia Molina-Antanaitis
Claudia Molina-Antanaitis